

1. *What is the organizational structure of your OPDIV/STAFFDIV?*



2. *At each involved organizational level, who made the decision(s) as to where the search should be conducted? (Name and title of each person, please).*

Robin Brooks, Director, Freedom of Information

Viktoriya Tanakova, OI FOIA Liaison

3. *Describe how the files that were searched are maintained, indexed and organized. Are they paper or electronic files? Are they indexed on paper or electronically? Are they organized by subject, by author, chronologically, or some other way?*

Records are maintained by entities or case numbers

4. *Identify each system of files or records that was searched. Within each system, identify each specific file or set of records searched. (E.g., Division's subject-matter files – specific file on xxxx; chronological correspondence files file for 1991; etc). Please provide a file guide if you have one.*

NA

5. *Explain why that system(s) was chosen to be searched. The particular file or set of records searched?*

Only system used

6. *Why were the files not searched or omitted from consideration?*

No files were omitted.

7. *If this case goes to court, there may be depositions of agency employees to describe the search. Identify the person(s) who can be deposed to verify the above information if this case is litigated.*

At discretion of Principal Deputy Inspector General. Please note: The requester sought copies of complaints and all complaints are protected by FOIA Exemption (b)(3). In addition, the response memorandum indicated an individual's name, which was a mistake.

MuckRock News
DEPT MR 76961
411A Highland Ave
Somerville, MA 02144-2516
76961-91139830@requests.muckrock.com

FOIA APPEAL

Department of Health and Human Services Office of Inspector General
FOIA Appeal
#4760
330 Independence Avenue Southwest
Washington, DC 20237

2019 AUG 26 AM 11:14

RECEIVED
GENERAL LAW LIBRARY
GOVERNMENT
COURTS

August 16, 2019

This is a follow up to request number 2019-1135:

I hereby appeal the decision in its entirety. A record of complaints and request for underlying documents is not properly subject to the GLOMAR response provided. It appears that the FOIA office may have mistakenly only searched for complaints related to someone named "Rembert Reynolds," who is apparently a South Carolina physician. My request contained no such name.

I further appeal the determination that ANY responsive records will be withheld in full, without any attempt at reasonable segregation.

This response is patently in violation of the FOIA and the officer who sent it should be referred to the Office of Special Counsel for engaging in arbitrary and capricious, baseless FOIA obstruction.

Filed via MuckRock.com
E-mail (Preferred): 76961-91139830@requests.muckrock.com

For mailed responses, please address (see note):
MuckRock News
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PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On Aug. 12, 2019:

Subject: RE: Freedom of Information Act Request: HHS OIG Shelters Investigations
Please see attached.

Sandra Servin-Solis
Government Information Specialist

MuckRock News
DEPT MR 76961
411A Highland Ave
Somerville, MA 02144-2516
76961-91139830@requests.muckrock.com

On July 11, 2019:

Subject: Freedom of Information Act Request 19-1135 (Expedited Processing Denial)

This is an interim response to the July 10, 2019, Freedom of Information Act (FOIA) request you submitted to the Department of Health and Human Services (HHS), Office of Inspector General (OIG), seeking copies of records of complaints, whether substantiated or unsubstantiated, received or created by the HHS OIG on or after January 1, 2017 and all records of closed, substantiated HHS OIG investigations regarding unaccompanied minor child shelter, custody, or care arising from complaints involving misconduct occurring on or after January 1, 2017. You also requested expedited processing.

The results of our review of your request for expedited processing, as documented in this letter, confirms your request for expedited processing does not meet the requirements under the FOIA and cannot be granted. Our review indicates that you have not clearly demonstrated a "compelling need." You have not clearly articulated an imminent threat to the life or physical threat to the life or physical safety of an individual; or, that an "urgency to inform the public concerning actual or alleged Federal activity" exists. Therefore, this FOIA request did not meet the criterion for expedited processing.

If you are not satisfied with my decision on this request, you may administratively appeal this denial of a fee waiver. Your appeal must be postmarked or electronically transmitted within 90 days from the date of this letter, Deputy Agency Chief FOIA Officer, U.S. Department of Health and Human Services, Assistant Secretary for Public Affairs, FOI/Privacy Act Division, Suite 729H, 200 Independence Avenue, SW, Washington, DC 20201. Clearly mark both the envelope and your letter "Freedom of Information Act Appeal."

Sincerely,

FOR: // Kenneth Shaw, July 11, 2019//

Robin R. Brooks

Director

Freedom of Information

On July 10, 2019:

Subject: Acknowledgement of Receipt of FOIA Request

Request Number: OIG-19-1135-KS

Date Received: 7/10/2019

This will acknowledge receipt of your Freedom of Information Act (FOIA) request received by this office on the above date. Your request has been assigned a case number based on its receipt in this office and is being processed as expeditiously as possible. The actual processing time will depend on the complexity of your request and whether sensitive records, voluminous records, extensive search, and/or consultation with other HHS components or other executive branch agencies are involved. There may be a charge for these records and, in some cases, the charges may be substantial.

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The FOIA and the Department of Health and Human Services (HHS) FOI regulations allow agencies to recover part of the costs of processing FOIA requests. The FOIA and the HHS FOIA regulations are available at the following web addresses: <https://www.justice.gov/oip/doj-guide-freedom-information-act-0> and <http://www.hhs.gov/foia/45cfr5.html>.

If you have any questions, please call (202) 619-2541, or write to us at:

Freedom of Information Division
Office of Inspector General
Room 1062, Cohen Building
330 Independence Ave SW
Washington DC 20201

Please refer to the request number above when corresponding.

Robin R. Brooks
Director
Freedom of Information

Please check that the following information is correct:

FREE, ANDREW
Dept MR 76961 411A Highland Av
Somerville, MA 02144

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On July 10, 2019:
Subject: Freedom of Information Act Request: HHS OIG Shelters Investigations
To Whom It May Concern:

Pursuant to the Freedom of Information Act, I hereby request the following records:

1. All records of complaints, whether substantiated or unsubstantiated, received or created by the Health and Human Services Office of Inspector General on or after January 1, 2017.
2. All records of closed, substantiated HHS-OIG investigations regarding unaccompanied minor child shelter, custody, or care arising from complaints involving misconduct occurring on or after January 1, 2017.

I respectfully request expedited processing of this request based on the ongoing, widespread reports of abuse of migrant children in federal custody, and the exponential expansion in migrant child detention (on an average daily population basis) since January 2017.

The requested documents will be made available to the general public, and this request is not being made

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for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Andrew Free

Filed via MuckRock.com
E-mail (Preferred): 76961-91139830@requests.muckrock.com

For mailed responses, please address (see note):

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411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.



DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF INSPECTOR GENERAL

WASHINGTON, DC 20201



FOIA Requests 2019-1135

Freedom of Information Act Office
Cohen Bldg., Suite 5541
330 Independence Ave., SW
Washington DC 20201

July 11, 2019

Andrew Free
411A Highland Ave
Somerville, MA 02144-2516

Dear Mr. Free:

This is in response to the July 10, 2019, Freedom of Information Act (FOIA) request you submitted to the Department of Health and Human Services (DHHS), Office of Inspector General (OIG), requesting a copy of all complaints, whether substantiated or unsubstantiated, received or created by the Health and Human Services, Office of Inspector General, on or after January 1, 2017.

I can neither confirm nor deny the existence of any records relative to your request as it pertains to any complaints. If they exist, records of this nature would be exempt from disclosure under FOIA exemptions (b)(3), (b)(6), (b)(7)(C) and (b)(7)(A). These exemptions exempt from mandatory disclosure records compiled for law enforcement proceedings if disclosure could reasonably be expected to interfere with enforcement proceedings; or when lacking the subject's consent or an overriding public interest. To even officially acknowledge the existence of investigatory records of the type that pertain to an individual could reasonably be expected to constitute a (clearly) unwarranted invasion of personal privacy. If they do exist, even the very fact of their existence would be exempt from disclosure under the cited exemptions. Please understand we have not conducted a search for complaints relative to Rembert Reynolds.

Exemption (b)(3) permits the withholding of records when release is exempted by another statute, in this instance, The IG Act.

Exemption (b)(6) permits the withholding of information that if released, would constitute a clearly unwarranted invasion of personal privacy.

Exemption (b)(7)(A) permits the withholding of investigatory records compiled for law enforcement purposes when disclosure could reasonably be expected to interfere with enforcement proceedings.

Exemption (b)(7)(C) permits the withholding of investigatory records compiled for law enforcement purposes when disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy.

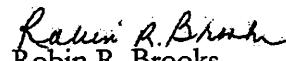
There is no charge for FOIA services in this instance because billable fees are under the Department's \$25 cost effective threshold.

You may appeal my decision that I can neither confirm nor deny the existence of the record(s) responsive to your request for complaints. Your appeal must be postmarked or electronically transmitted within 90 days from the date of this letter, to Deputy Agency Chief, FOIA Officer, U.S. Department of Health and Human Services, Assistant Secretary for Public Affairs, FOI/Privacy Act Division, Suite 729H, 200 Independence Avenue, SW, Washington, DC 20201. Clearly mark both the envelope and your letter "Freedom of Information Act Appeal" or you may email them at FOIAREQUEST@hhs.gov.

In addition, you may contact our FOIA Requester Service Center at 202.619.2541 or FOIA@oig.hhs.gov, for any further assistance or to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

Sincerely,


Robin R. Brooks
Director
Freedom of Information